

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI
EASTERN DIVISION**

KARL HINDERMAN,

Plaintiff,

v.

FRANCIS B. SANCEGRAW, et al.,

Defendants.

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No. 4:19-cv-01191-SNLJ

MEMORANDUM AND ORDER

This matter is before the Court on defendant Kyle Smith's written response to the Court's October 28, 2019 order. (Docket No. 22). In the response, defendant notes that he filed a motion to dismiss on September 30, 2019, based on a belief that plaintiff had failed to exhaust his administrative remedies. (Docket No. 11). On October 9, 2019, plaintiff filed a written response to the motion. (Docket No. 15). Based on plaintiff's response, defendant moves to withdraw his motion to dismiss. The motion to withdraw will be granted, and defendant's motion to dismiss will be denied without prejudice. Furthermore, plaintiff seeks an additional ten days to file an answer to the complaint. Having reviewed the motion, defendant's request for additional time will also be granted.

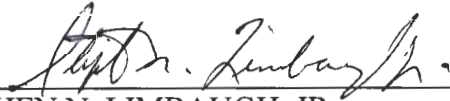
Accordingly,

IT IS HEREBY ORDERED that defendant's motion to withdraw his motion to dismiss is **GRANTED**.

IT IS FURTHER ORDERED that defendant's motion to dismiss (Docket No. 11) is **DENIED** without prejudice.

IT IS FURTHER ORDERED that defendant's motion for an additional ten days to file an answer to the complaint is **GRANTED**.

Dated this 19th day of November, 2019.



STEPHEN N. LIMBAUGH, JR.
UNITED STATES DISTRICT JUDGE